



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 51]

नई दिल्ली, सोमवार, दिसम्बर 22, 2003 / पौष 1, 1925

No. 51]

NEW DELHI, MONDAY, DECEMBER 22, 2003 / PAUSA 1, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 22nd December, 2003:—

BILL No. 89 OF 2003

A Bill further to amend the Central Sales Tax Act, 1956.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Central Sales Tax (Amendment) Act, 2003.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

74 of 1956.
41 of 2001.

2. In the Central Sales Tax Act, 1956 (hereinafter referred to as the principal Act), in section 19 [as inserted by section 3 of the Central Sales Tax (Amendment) Act, 2001], in sub-section (1), for the words, figures and letter “section 6A or section 9”, the words, figures and letter “section 6A read with section 9” shall be substituted.

Amendment
of section 19.

41 of 2001.

3. In section 20 of the principal Act [as inserted by section 3 of the Central Sales Tax (Amendment) Act, 2001], in sub-section (1), for the words, figures and letter “section 6A or section 9”, the words, figures and letter “section 6A read with section 9” shall be substituted.

Amendment
of section 20.

41 of 2001.

4. In section 21 of the principal Act [as inserted by section 3 of the Central Sales Tax (Amendment) Act, 2001], in sub-section (3), in the first proviso, for the words “and also to the State Government concerned with the appeal of being heard”, the words “and also to each State Government concerned with the appeal being heard” shall be substituted.

Amendment
of section 21.

Amendment of section 22.	5. In section 22 of the principal Act [as inserted by section 3 of the Central Sales Tax (Amendment) Act, 2001], after sub-section (1), the following sub-section shall be inserted, namely:— “(1A) The authority while granting stay or ordering pre-deposit of tax before the entertainment of the appeal shall have regard to the fact that the assessee has already made the pre-deposit under a local Act.”.	41 of 2001.
Amendment of section 25.	6. In section 25 of the principal Act [as inserted by section 3 of the Central Sales Tax (Amendment) Act, 2001], for the words “every appeal”, the words “the proceedings” shall be substituted.	41 of 2001.
Amendment of section 26.	7. In section 26 of the principal Act, [as inserted by section 3 of the Central Sales Tax (Amendment) Act, 2001] for the words “assessing authorities”, the words “assessing authorities and each State Government concerned” shall be substituted.	41 of 2001.

STATEMENT OF OBJECTS AND REASONS

Central Sales Tax (CST) is levied, wherever sale of goods takes place in the course of inter-State trade or commerce under the Central Sales Tax Act, 1956 (74 of 1956). Since CST is levied by the State from which the movement of goods commences, many a times disputes have arisen between two States on the issue whether movement of goods in a particular State amounts to sale in the course of inter-State trade or commerce. As there was no mechanism within the Central Sales Tax Act, 1956 to resolve such disputes, the said Act was amended *vide* the Central Sales Tax (Amendment) Act, 2001 (41 of 2001) to create a Central Sales Tax Appellate Authority.

2. In order to expeditiously and smoothly resolve inter-State disputes regarding levy of Central Sales Tax by the State Governments in the matters relating to inter-State trade or commerce, it has been decided to further amend the Central Sales Tax Act, 1956.

3. The Bill seeks to achieve the above objects.

NEW DELHI;

JASWANT SINGH.

The 15th December, 2003.

BILL NO. 91 OF 2003

A Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003.

Amendment
of section 2.

2. In section 2 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

30 of 1954

‘(aa) “dependent” means any of the following relatives of a deceased member, namely:—

(i) a minor legitimate son, and an unmarried legitimate daughter and a widowed mother; or

(ii) if wholly dependent on the earnings of the member at the time of his death, a son or a daughter who has attained the age of eighteen years and who is infirm; or

(iii) if wholly or in part dependent on the earnings of the member at the time of his death,—

- (a) a parent; or
- (b) a minor brother or an unmarried sister; or
- (c) a widowed daughter-in-law; or
- (d) a minor child of a pre-deceased son; or
- (e) a minor child of a pre-deceased daughter where no parent of the child is alive; or
- (f) a paternal grandparent if no parent of the member is alive; or
- (g) such other person as may be specified by the rules made under section 9 by the Joint Committee;.

3. In section 4 of the principal Act,—

Amendment
of section 4.

(a) in sub-section (2), after the second proviso, the following provisos shall be inserted, namely:—

“Provided also that in case a member resides within a distance of three hundred kilometers from Delhi, he or his spouse, for the journey performed by him by road, may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) in place of the travelling allowance which would have been admissible to him had he performed such journey by rail or by road, as the case may be:

Provided also that in case a member resides in the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim or Tripura, he or his spouse may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) for journey performed by him by road from his residence in any of the said States to the nearest airport.”;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) There shall be paid to a person—

(a) who has been elected in a biennial election as a member of the Council of States but the notification in the Official Gazette notifying his name under section 71 of the Representation of the People Act, 1951 has not been published in the Official Gazette; or

(b) who has been elected as a member of the House of the People in a general election held for the purpose of constituting a new House of the People but the notification in the Official Gazette notifying his name under section 73 of the Representation of the People Act, 1951 has not been published in the Official Gazette; or

(c) who has been elected in a bye-election as a member of either House of Parliament or nominated as a member to either House of Parliament,

an amount equivalent to the fare in respect of every journey performed by him for coming to Delhi before, the publication of notification referred to in clause (a) or clause (b), or election or nomination under clause (c):

Provided that in case the journey is performed by rail or steamer or road, he shall be entitled to the reimbursement of the fare or road mileage to which a member is entitled:

Provided further that in case he performs the journey by air, such journey shall be included for the purpose of counting thirty-two journeys referred to in the first proviso to sub-section (2) of section 5.”.

43 of 1951.

43 of 1951.

Amendment
of section 5.

4. In section 5 of the principal Act, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:—

“Provided also that the spouse or companion of a member, as the case may be, may alone perform maximum eight journeys by air from any place of India to the place in India for the purpose of visiting such member and such journey shall be included for the purpose of counting thirty-two journeys referred to in the first proviso to sub-section (2).”.

Insertion of
new section
5A.

5. After section 5 of the principal Act, the following section shall be inserted, namely:—

Transit
accommodation.

“5A. Where a person referred to in sub-section (4) of section 4 comes to Delhi, he shall be entitled to such transit accommodation for such period as may be specified by the rules made under clause (ccc) of sub-section (3) of section 9 by the Joint Committee.”.

Amendment
of section 8A.

6. In section 8A of the principal Act, for sub-sections (1) and (1A), the following sub-sections shall be substituted, namely:—

“(1) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there shall be paid a pension of three thousand rupees per mensem to every person who has served for any period, as a member of the Provisional Parliament or either House of Parliament:

Provided that where any person has served as a member of the Provisional Parliament or either House of Parliament for a period exceeding five years, there shall be paid to him an additional pension of six hundred rupees per mensem for every year in excess of five years.

Explanation.—For the purpose of this sub-section, “Provisional Parliament” shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution.

(1A) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there shall be paid a pension of rupees one thousand and five hundred per mensem, to the spouse, if any, or dependent of any member who dies during his term of office as such member, for a period of five years from the date of his death.”.

Explanation.—For the removal of doubts, it is hereby declared that the spouse or the dependent or the member referred to in this sub-section shall be entitled to receive the family pension even if the member has died on or before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003.”.

Substitution
of new
section for
section 8AA.

7. For section 8AA of the principal Act, the following section shall be substituted, namely:—

Travel
facilities to
ex-Members.

“8AA. Every person who is not a sitting Member but has served for any period as a Member of either House of Parliament shall be,—

(a) with effect from the 18th day of January, 1999, entitled along with a companion to travel in any train by any railway in India in air conditioned two-tier class; or

(b) entitled to travel alone in any train by any railway in India in air-conditioned first class,

without payment of any charges on the basis of an authorisation issued for this purpose by the Secretariat of either House of Parliament as the case may be.”

8. After section 8AA of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
8AB.

“8AB. Where the period for which the pension is payable under this Act contains a part of a year, then, if such part is nine months or more, it shall be reckoned equivalent to complete one year for the purpose of payment of additional pension under sub-section (1) of section 8A and if such part is less than nine months, it shall be ignored.”.

Rounding off
period of
pension.

9. In section 9 of the principal Act, in sub-section (3),—

Amendment
of section 9.

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) the person who may be specified as dependent under sub-clause (g) of clause (aa) of section 2;”;

(ii) after clause (cc), the following clause shall be inserted, namely:—

“(ccc) the transit accommodation and the period for which such accommodation may be provided under section 5A:”;

(iii) after clause (ff), the following clause shall be inserted, namely:—

“(fff) to provide for carry forward of unutilised free telephone calls pertaining to any year beginning on or after the 1st day of April, 2002 to any subsequent year:”.

STATEMENT OF OBJECTS AND REASONS

The Salary, Allowances and Pension of Members of Parliament are regulated by the provisions contained in the Salary, Allowances and Pension of Members of Parliament Act, 1954 and the rules made thereunder. The Joint Committee of both Houses of Parliament constituted under section 9 of the said Act had made, certain recommendations, *inter alia*,—

(a) to provide pension to all former Members of Parliament irrespective of their period of membership of Parliament;

(b) to provide for rounding off the period of more than nine months of membership of Parliament to one year for the purpose of determination of additional pension payable to former Members of Parliament;

(c) to grant family pension for life, to the spouse of Members of Parliament and to the spouse of former Members of Parliament after death of such Members and in case there being no spouse of such members, grant of the family pension to the dependents of such Members;

(d) to allow the Members of Parliament for air journeys by private airlines for their official purposes;

(e) to allow road mileage to the nearest airport for the road journey performed by the Members of Parliament from North-Eastern States from their residence in their constituency or the State, as the case may be, to the nearest airport, and also to allow similar road mileage to the spouse of such Members of Parliament;

(f) to allow road mileage to those Members of Parliament who reside within a distance of three hundred kilometers from Delhi for coming to Delhi by road and also to allow similar road mileage to the spouse of such Members of Parliament;

(g) to allow travelling allowance to newly elected or nominated Members of Parliament, who reach Delhi prior to publication of notification in the Official Gazette for their election or nomination, as the case may be, and also to provide transit accommodation to such Members;

(h) to allow the spouse or companion or relative of the ailing Members of Parliament for air travel to join such Member subject to adjustment of such air journeys of the spouse or relative or companion of the Members to be adjusted against the thirty-two air journeys entitled in a year to such Members;

(i) to take over private mobile phones of Members of Parliament in their capacity as such, and also to allow national roaming facility in respect of mobile phone connection of the Mahanagar Telephone Nigam Limited and Bharat Sanchar Nigam Limited;

(j) to allow to use any number of telephones for availing one lakh fifty thousand free local telephone calls available to Members of Parliament in a year subject to the condition that rental charges of more than three telephone connections shall be borne by the Members of Parliament;

(k) to allow carry forward of unutilised telephone calls entitled to the Members of Parliament pertaining to the preceding year for adjustment during the subsequent years.

2. The Central Government accepted all the above recommendations with the following modifications, namely:—

(i) to grant minimum pension of rupees three thousand per month to all former Members of Parliament irrespective of their period of membership of Parliament as referred to in sub-paragraph (a) of preceding paragraph;

(ii) to increase the family pension from rupees one thousand per mensem as specified in sub-section (1A) of section 8A to rupees one thousand and five hundred per mensem to the spouse or dependent of deceased member for a period of five years from the date of his death;

(iii) to allow the members to travel by private airlines also for their official journeys and claim airfare and one-fourth of airfare as incidental charges;

(iv) to allow transit accommodation referred to in sub-paragraph (g) of preceding paragraph for a period not exceeding ten days;

(v) to allow the spouse or companion of the Members of Parliament to perform maximum eight journeys by air to join such Member subject to adjustment of such air journeys of the spouse or companion of the Members to be adjusted against the thirty-two air journeys entitled in a year to such Members;

(vi) to define the dependent for the purposes of grant of family pension;

(vii) to allow to use any number of telephones for availing one lakh fifty thousand free local telephone calls available to Members of Parliament in a year as referred to in sub-paragraph (j) of the preceding paragraph subject to the condition that telephone should be in his name and the rental charges are paid by him;

(viii) to allow take over of private mobile phones referred to in sub-paragraph (i) of the preceding paragraph subject to the condition that registration and rental charges for their private mobile phones shall be borne by the concerned Members of Parliament but the telephone calls from such private mobile phones may be adjusted against the entitled telephone calls in a year;

(ix) to allow carry forward of unutilised free local calls commencing from the 1st April, 2002 for adjustment to any succeeding year.

3. The relevant provisions in the Salary, Allowances and Pension of Members of Parliament Act, 1954 are being amended by the proposed legislation to give effect to the recommendations mentioned in sub-paragraphs (a) to (h) of paragraph 1. The relevant rules will be amended to give effect to the recommendations mentioned in sub-paragraphs (i) to (k) of paragraph 1 after the Bill has been enacted.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 19th December, 2003.

SUSHMA SWARAJ.

FINANCIAL MEMORANDUM

Clauses 2 to 8 of the Bill, *inter alia*, seek to amend various provisions of the Act to provide for dependent of the deceased Member of Parliament for availing family pension; road mileage at the prescribed rates to the members and their spouse residing within a distance of three hundred kilometers from Delhi for the road journey performed for coming to Delhi for attending to their Parliamentary duties; road mileage at the prescribed rates to Members and their spouse residing in the North-Eastern States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim or Tripura for the road journeys performed from their residence in the said States to the nearest airport; travelling allowance to the newly elected Members coming to Delhi before publication of notification in the Official Gazette about their election or nomination to either House of Parliament; to allow the spouse or companion of a Member to perform maximum eight air journeys alone from any place in India to any other place in India for visiting such member and such journey being counted against thirty-two air journeys available to the member in a year; transit accommodation to the newly elected Members coming to Delhi prior to publication of notification in the Official Gazette about their election or nomination to either House of Parliament; payment of pension to the former Members at the rate of rupees three thousand per month irrespective of period of their membership of provisional Parliament or either House of Parliament; payment of family pension at the rate of rupees one thousand five hundred per month to the spouse or dependent of deceased Member of either House of Parliament or the provisional Parliament for a period of five years from the date of death of such Member; and rounding off nine months or more to complete one year for the purpose of calculation of additional pension to the Members.

2. The above provisions would involve a recurring expenditure from the Consolidated Fund of India to the extent of three crores, ninety lakhs and twenty-two thousand per annum approximately and non-recurring expenditure of ninety-seven lakhs fifty-five thousand and five hundred rupees.

3. The provisions of the Bill will not involve any other recurring or non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill proposes to amend section 2 of the Salary, Allowances and Pension of Members of Parliament Act, 1954 so as to specify the persons which may be considered as dependents. The proposed clause (aa) of sub-section (3) of section 9 of the said Act proposes to confer the powers upon the Joint Committee to specify the persons who may be considered as dependents. Clause 5 of the Bill proposes to insert a new section 5A relating to transit accommodation in the aforesaid Act. Clause 9 of the Bill proposes to insert clause (ccc) in sub-section (3) of section 9 of the aforesaid Act so as to confer power upon the Joint Committee to make rules for the transit accommodation and the period for which such accommodation may be provided. The proposed clause (fff) in sub-section (3) of section 9 of the aforesaid Act proposes to confer the power upon the Joint Committee to make rules so as to carry forward the unutilised free telephone calls pertaining to any year beginning on or after the 1st day of April, 2002 to any subsequent year.

2. The matters in respect of which rules may be made are generally matters of procedure and administrative detail and it is not practicable to provide for them in the Bill. The delegation of legislative power is, therefore, of a normal character.

G. C. MALHOTRA,
Secretary-General.